

CITY OF HUNTSVILLE, TEXAS

Ken Holland, Chairman

Nate Grigsby, Position 1
Cheryl Reader, Position 2
Michelle Spencer, Position 3
Elliott Herzlich, Position 5



Jason Warren, Alternate A
Tracy Richardson, Alternate B

BOARD OF ADJUSTMENT AGENDA

THURSDAY, JUNE 29, 2023, 5:30 PM

NASH BOARD ROOM
HUNTSVILLE PUBLIC LIBRARY, 1219 13th STREET

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Division, at 936-294-5782 two working days prior to the meeting so that appropriate arrangements can be made.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag - *Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

3. INVOCATION

4. ROLL CALL and selection of Alternate(s) if needed.

5. PUBLIC HEARING

- a. For a variance request, (BOA Case 04-2023), by Randy Wilson, applicant, to *Article 6.1106.A (Driveway Width)* of the Development Code to allow a temporary driveway of 60' along Elks Drive as secondary access for a modular home business, located at 664 IH-45 South.

6. CONSIDER

- a. The variance request, (BOA Case 04-2023), by Randy Wilson, applicant, to *Article 6.1106.A (Driveway Width)* of the Development Code to allow a temporary driveway of 60' along Elks Drive as secondary access for a modular home business, located at 664 IH-45 South.
- b. The minutes of the February 23, 2023, and April 27, 2023, meetings.

7. ADJOURNMENT

If, during the course of the meeting and discussion of any items covered by this notice, the Board of Adjustment determines that a Closed or Executive session of the Commission is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the Board of Adjustment will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Sharon Schultz, Deputy City Secretary, do hereby certify that a copy of the June 29, 2023, Board of Adjustment Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: June 23, 2023

TIME OF POSTING: 11:30 a.m.

DATE REMOVED: _____

Sharon Schultz

Sharon Schultz, Deputy City Secretary



Variance/Appeal Request Application

City of Huntsville | 448 State Highway 75 North | Huntsville, TX 77320 | 936-294-5782

Applicant Information - As authorized by the property owner(s)

Name NATIONWIDE Housing Systems LLC DBA OAK CREEK HOMES
2450 South Shore Blvd. #300 League City TX 77573
Mailing Address City State Zip Code
 Phone Number 281 734 9370 Alternate Phone Number 281 734 9370
 E-mail: RANDY W @ HSTR.COM

I, the undersigned, understand the provision of the Huntsville Development Code, especially Sections 12.900 and 12.1000, and hereby submit this request based upon one (1) of the following:

- ☐ There has been an alleged error in an order, requirement, decision or determination by an administrative official in the enforcement of the Development Code.
- ☒ The strict application of one or more requirements of the Development Code renders the parcel incapable of reasonable economic use due to the particular physical surroundings, shape, or topographical condition of the property.

[Signature]

Signature

MAY 27, 2023

Date

Property Owner Information - By signing below, I acknowledge that I am the rightful owner of the property proposed for development; and, if different, I authorize the "Applicant" to serve as my agent for matters pertaining to this application.

Name MOAMCO Properties INC.
2450 South Shore Blvd #300 League City TX 77573
Mailing Address City State Zip Code
 Phone Number 281 734-9370 Alternate Phone Number 281-334-9728
 E-mail: RANDY W @ HSTR.COM
[Signature]
Signature 5/27/2023
Date

Variance/Appeal Information

Please provide a description of your request. (If requesting a variance, please answer the attached questions.)

VARIANCE Request to Extng Alternate Temporary DRIVEWAY From
40' to 60' to Allow Access to Property with OVERSIZED Mobile Home

Application Fee

\$300.00

Public Hearing

A public hearing is required for this request. City staff will complete all the requirements of the public hearing notice process.

For Staff Use Only

Received/By:	Fee Paid:	Board of Adjustments Date:	Outcome:

Applicant Name

NATIONWIDE Housing Systems LLC DBA OAK CREEK Homes

Questions

MANUFACTURED Home Retail Center

Please answer the following questions. Attach a separate sheet if additional space is needed.

1. Is the variance necessary to overcome a condition of the property itself?

NO

2. Is the condition necessitating the variance unique to the subject property?

YES TXDOT Closing CURRENT Access. of Inventory unable to move in or out

3. Is the condition necessitating the variance created by the subject property owner?

NO

4. Will literal enforcement of the subject regulation deprive the property owner of any economically beneficial use of the subject property?

YES

5. Will approval of the variance be contrary to the public interest?

NO

6. Will the approval of the variance be in keeping with the overall spirit of the Development Code and further substantiate justice?

YES Extending Driveway from 40' to 60'



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: June 29, 2023

TYPE OF REVIEW: Variance from the Requirements of *Development Code*

SUBJECT: Parking and Driveway Access (Article 6)

REQUESTED BY: Nationwide Housing System, LLC

CASE OVERVIEW: CASE 03-2023

Nationwide Housing System, LLC has submitted an application for a **Variance** from the *Development Code* to allow the construction of a temporary driveway. The property is in the Management (M) District.

The applicant has provided responses to the Variance Criteria in the attached application. The applicant is requesting a variance from one sub-section of the Development Code: 6.1100. The applicant is requesting to construct a temporary driveway of a width of 40 to 60 feet to allow access from Elks Drive. This is needed due to the feeder access limitations during the TxDOT IH-45 roadway construction.

Development Code Section 6.1106.A states that the maximum width of the driveway is to be no larger than 24-feet within a low volume situation.

STAFF RECOMMENDATION

Within Development Code Section 6.1109.C Provision of Access states that if a lot has frontage on more than one street, access will be allowed only on those street frontages where driveway regulations can be met. Upon completion of construction to the IH-45 S feeder access road and the feeder is restored to full access, the temporary driveway will be removed.

Staff is in support of a 60' temporary driveway for access from Elks Drive and recommend approval of the variance.

ATTACHMENTS:

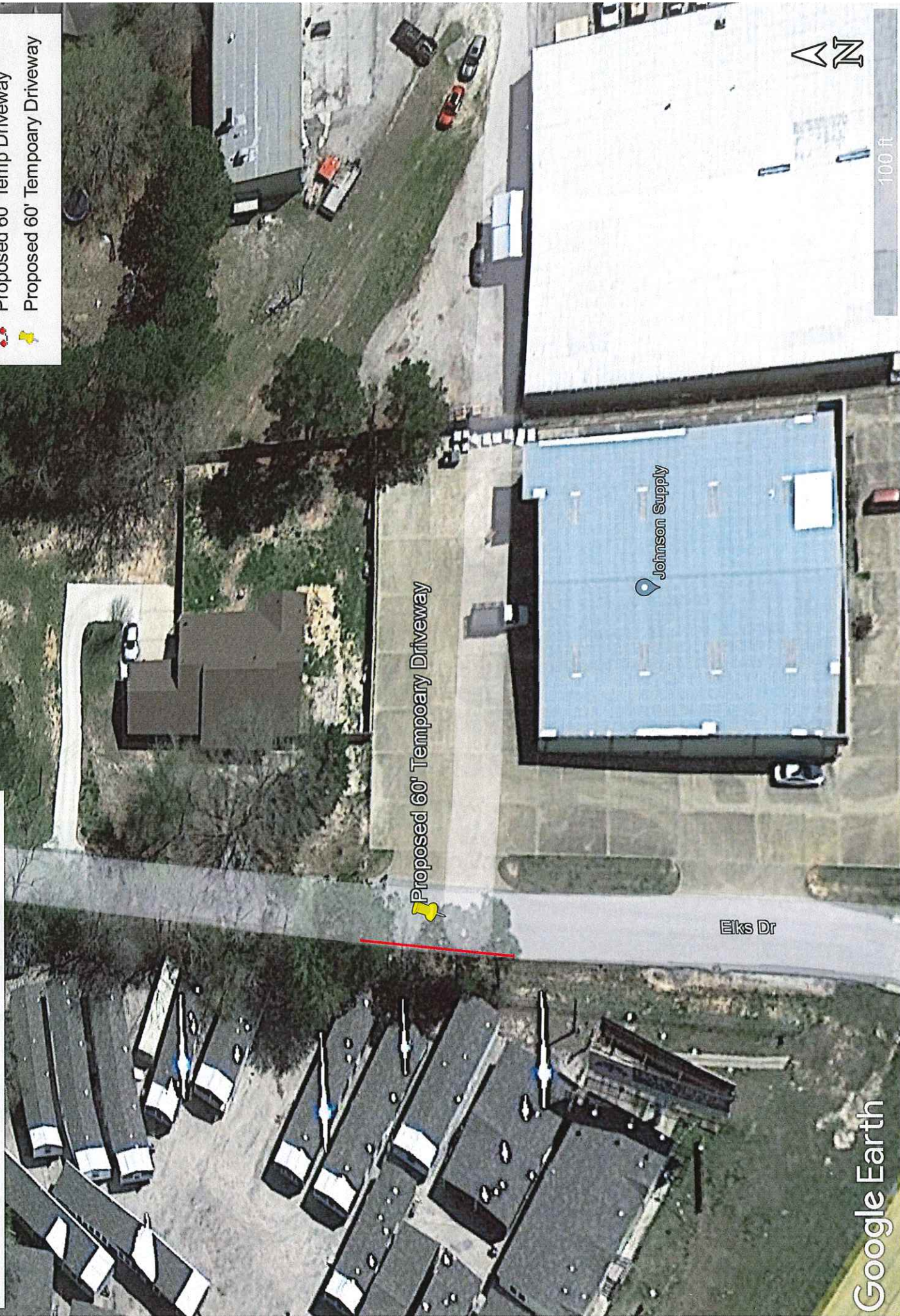
- Application
- Proposed Driveway Location Map
- Vicinity Map

Proposed 60' Temporary Driveway

Write a description for your map.

Legend

-  Johnson Supply
-  Proposed 60' Temp Driveway
-  Proposed 60' Temporary Driveway



100 ft

1. PLACE STABILIZED CONSTRUCTION ENTRANCE IN ACCORDANCE WITH THE APPROVED PLAN. VEHICLES MUST TRAVEL IN THE ENTIRE WIDTH OF THE SUBGRADE AND NOT BE LIMITED TO THE WIDTH OF THE ENTRANCE. MAINTAINING THE SUBGRADE TO THE FULL WIDTH OF THE SUBGRADE IS THE RESPONSIBILITY OF THE USER. THE USER SHALL MAINTAIN A MINIMUM OF 12 INCHES OF STONE OVER THE PIPE PROVIDE PIPE AS SPECIFIED ON APPROVED PLAN. WHEN THE PIPE IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO CONVEY, A PIPE IS NOT NECESSARY. A MONITORABLE RADIUS.

2. PREPARE SUBGRADE AND PLACE NONWOVEN GEOTEXTILE, AS SPECIFIED IN SECTION H-1 MATERIALS.

3. PLACE CRUSHED AGGREGATE (2 TO 3 INCHES IN SIZE) OR EQUIVALENT RECYCLED CONCRETE (WITHOUT REBAR) AT A MINIMUM OF 12 INCHES OF STONE OVER THE PIPE PROVIDE PIPE AS SPECIFIED ON APPROVED PLAN. WHEN THE PIPE IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO CONVEY, A PIPE IS NOT NECESSARY. A MONITORABLE RADIUS.

4. MAINTAIN ENTRANCE IN A CONDITION THAT MINIMIZES TRACKING OF SEDIMENT, AND STONE OR WAVE OTHER REMAINS AS CONDITIONS TEND TO MAINTAIN CLEAN SURFACE. MAINTAIN A FIRM AND SPECIFIED DIMENSIONS, VACUATING, SCOURING AND/OR OVERSIGHT, WASHING ROADWAY TO REMOVE AND TRACKED ONTO PAVEMENT IS NOT ACCEPTABLE UNLESS WASH WATER IS DIRECTED TO AN APPROVED SEDIMENT CONTROL PRACTICE.

DEPARTMENT OF ENGINEERING & MAPS/ENGINEERING CITY OF HUNTSVILLE STANDARDS

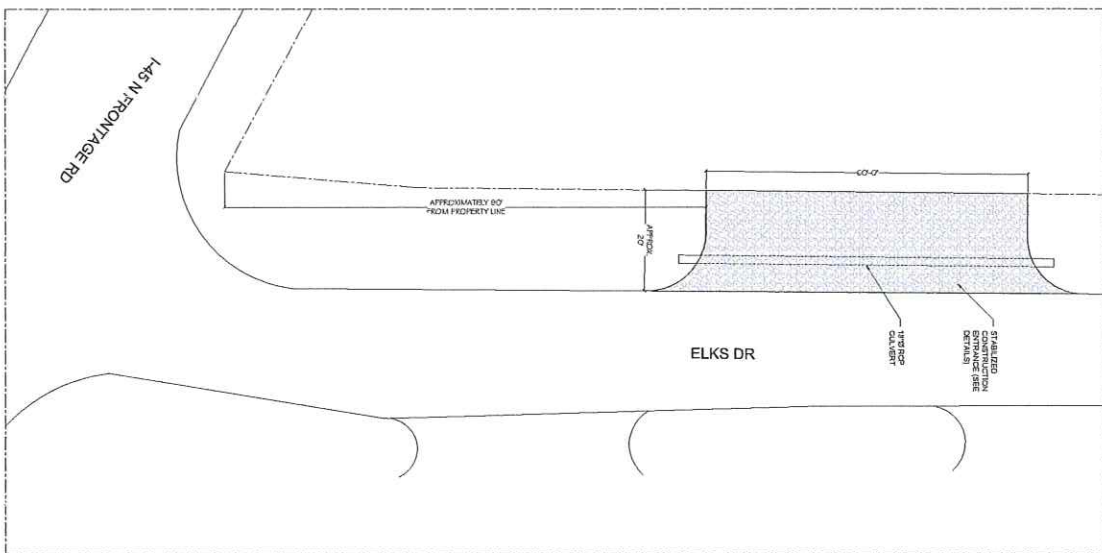
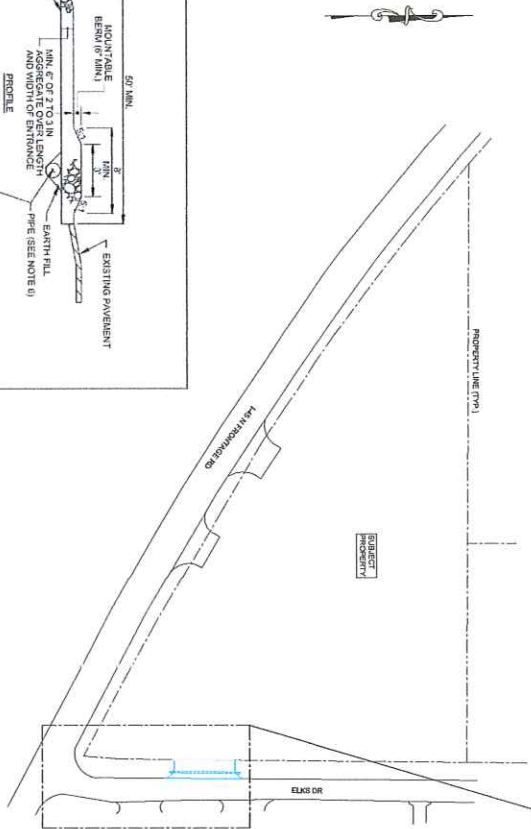
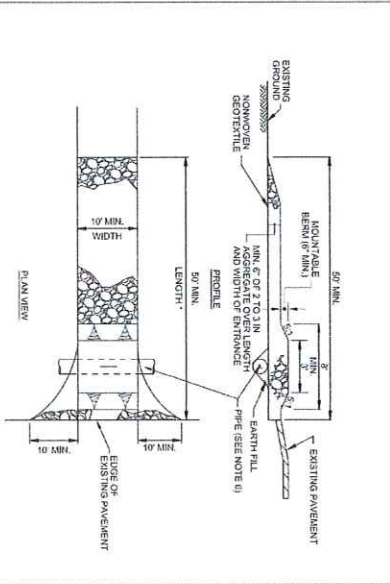
NAME: STABILIZED CONST. ENTRANCE
DRAWN BY: JBA
DATE: 05/20/10
APPROVED BY: YSR

CITY OF HUNTSVILLE STANDARDS
STABILIZED CONSTRUCTION ENTRANCE

REVISION HISTORY

REV#	ISSUER	DATE	APPROVER	SHEET
1	JBA	05/20/10	YSR	1 OF 1

DRAWING NO. 100-100-000000
SCALE: 1"=10'-0"
SHEET: 1 OF 1



STABILIZED CONSTRUCTION ENTRANCE

PROJECT:

OAK CREEK HOMES

PROPERTY ADDRESS:

664 IH 45

HUNTSVILLE, TX 77340

REVISION HISTORY

NO.	DATE	DESCRIPTION
1	05/20/10	ISSUE DATE 05/20/10

ISSUE DATE: 05/20/10

DRAWN BY: JBA

SCALE: N.T.S.

11x17

SHEET NUMBER:

1 OF 1

RCS Enterprises, LP

Engineering & Inspection Services

600 N. Watters Rd. Suite #100

Allen, Texas 75013

181721 727-6572

www.rcsenterprises.net







The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at: www.huntsvilletx.gov/gis

1 in = 200 ft

On 8.5 x 11 inch Print

0 0.0175 0.035 0.07 mi

On Any Print Size

CREATED DATE: 6/21/2023

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

Vicinity Map
Huntsville GIS Division



MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE NASH BOARD ROOM, AT THE HUNTSVILLE PUBLIC LIBRARY, 1219 13th STREET, HUNTSVILLE, TEXAS, ON THE 23RD DAY OF FEBRUARY 2023 AT 5:30 PM.

Members present: Grigsby; Reader; Herzlich; Alternate Warren

Members absent: Holland; Spencer; Alternate Richardson

Staff present: Yeager; Byal; Gibson

1. CALL TO ORDER

Vice-Chairman Grigsby called the meeting to order. [05:35 PM]

2. ROLL CALL and selection of Alternate(s) if needed.

A quorum was present. Holland, Spencer, and alternate Richardson were absent.

~~3. INVOCATION~~

~~4. PLEDGE OF ALLEGIANCE~~

- ~~a. U.S. Flag~~
- ~~b. Texas Flag~~

5. PUBLIC HEARING

- a. For a variance request, (BOA Case 01-2023), by Daniel White, applicant, to *Article 10.200, 10.201, and 10.201.B (Infrastructure and Improvements Required)* of the Development Code not to extend Col. Etheredge Boulevard across the intersection of Col Etheredge Boulevard and Veterans Memorial Parkway, to connect to property located at 1157 Veterans Memorial Parkway.

Board Member, Grigsby pulled item from agenda to be presented at a later date.

- b. For a variance request, (BOA Case 02-2023), by Cynthia Hardy, applicant, to *Article 4.203.H (Use Regulations)* of the Development Code for the placement of a manufactured home older than 20 years old within the city limits of Huntsville on property located at 1180C Fish Hatchery Road. Vice-Chairman Grigsby opened the Public Hearing at 5:35 p.m.

Applicant Presentation:

Cindy Hardie presented her case for the requested variance. The applicant explained the circumstances that require a variance. Director Byal's spoke in approval of variance stating he inspected the mobile home in question prior to meeting.

City Staff and Hardie addressed Board Member's questions.

Variance Request Item

Variance for the placement of a manufactured home older than 20 years old within the city limits of Huntsville on property located at 1180C Fish Hatchery Road.

Speakers in support of the variance request:

Two people spoke in support of the variance request: Cindy Hardy and Theresa Frazier

Speakers in opposition of the variance request:

None spoke in opposition of the variance.

6. CONSIDER

- b.** The variance request, (BOA Case 02-2023), by Cynthia Hardy, applicant, to *Article 4.203.H (Use Regulations)* of the Development Code for the placement of a manufactured home older than 20 years old within the city limits of Huntsville on property located at 1180C Fish Hatchery Road.

Staff Planner Layne Yeager gave the staff report for the requested variance.

Vice-Chairman Grigsby moved to Approve the Variance Request. The vote passed 4-0. None opposed.

7. CONSIDER the minutes of the November 29, 2022, meeting.

Board Member Reader moved to approve the minutes. It was seconded by Board Member Warren. The vote was unanimous.

8. ADJOURNMENT

Board Member Warren moved to adjourn the meeting. Second was by Board Member Reader. The vote was unanimous. [05:44 pm]

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE NASH BOARD ROOM, AT THE HUNTSVILLE PUBLIC LIBRARY, 1219 13th STREET, HUNTSVILLE, TEXAS, ON THE 27th DAY OF APRIL 2023 AT 5:30 PM.

Members present: Holland; Grigsby; Reader; Spencer; Alternate Warren

Members absent: Herzlich; Alternate Richardson

Staff present: Irones; Yeager; Gibson

1. CALL TO ORDER

Chairman Holland called the meeting to order. [5:30 PM]

~~2. PLEDGE OF ALLEGIANCE~~

~~a. — U.S. Flag~~

~~b. — Texas Flag~~

~~3. INVOCATION~~

4. ROLL CALL and selection of Alternate(s) if needed.

Board member Herzlich and Alternate Richardson were absent.

5. PUBLIC HEARING

- a.** For a variance request, (BOA Case 03-2023), by George Spentzos, applicant, to Article 5.200 (Lot and Setback Regulations) of the Development Code to allow the replacement of a covered patio for a restaurant to encroach into the front setback along Sam Houston Avenue, located at 1930 Sam Houston Avenue.

Planner, Layne Yeager, gave the staff report for the requested variance. Staff recommended approval of the variance.

Applicant Presentation:

Clint Wilson presented his case for the requested variance. The applicant explained the circumstances that require a variance.

City Staff & Clint Wilson addressed questions from public and Board Members.

Variance Request Item

Variance to allow the replacement of a covered patio for a restaurant to encroach into the front setback along Sam Houston Avenue, located at 1930 Sam Houston Avenue.

Speakers in support of the variance request:

None spoke in support of the variance.

Speakers in opposition of the variance request:

Neighboring homeowners, Susan & Wes Sanders voiced concerns with the location of the patio and possible increase in neighborhood noise.

6. CONSIDER

- a. The variance request, (BOA Case 03-2023), by George Spentzos, applicant, to Article 5.200 (Lot and Setback Regulations) of the Development Code to allow the replacement of a covered patio for a restaurant to encroach into the front setback along Sam Houston Avenue, located at 1930 Sam Houston Avenue.

Board Member Spencer moved to Approve the Variance Request. Second was by Vice-Chairman Grigsby. The vote was unanimous.

- b. **CONSIDER** the minutes of the February 23, 2023, and March 23, 2023, meetings.

A quorum was not present to vote on the February 23rd minutes. Will be carried over to the next meeting.

Board Member Spencer moved to approve the March 23rd minutes. It was seconded by Board Member Reader. The vote was unanimous.

7. ADJOURNMENT

Vice-Chairman Grigsby moved to adjourn the meeting. Second was by Board Member Reader. The vote was unanimous. [05:44 pm]